

MEMO ENDORSED

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VIA ECF

March 7, 2018

Hon. Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Fischer v. Brushy Mountain, et al, Case 17cv10094 Doc #8

Dear Judge Engelmayer:

On 2/12/18, I wrote to the Court Clerk's office at the suggestion of the pro se office. That letter was docketed on ECF as #8.

Per FRCP 4(e)(1), I am required to follow state law where service is made.

In this case, I must serve two corporate officer defendants via the registered agent for their DE Corporation, as the only address on file with the DE Secretary of State is one office address listed for all officers, not residence addresses for each officer.

Delaware "Title 10 § 3114" (attached to #8) requires in subsection (c) that, in addition to complying with FRCP 4(e)(2)(c), the clerk for the court in which suit is filed must also send a duplicate copy of the complaint and summons via US Mail to the address listed with the DE Secretary of State for each defendant.

I asked about how the Clerk's office might do this within the required 7 days of service on the registered agent, and I have not heard back, despite calling to follow up on my inquiry. I would of course supply the copies, and pay for the postage, but the Clerk must mail them, as the requirement seems to be a check-and-balance on attorneys and process servers.

I can't be the first person to need to do this, but I cannot assume that the SDNY Clerk is obligated to follow DE law, or able to mail things out at my request.

What would be sufficient service for your court, given these additional requirements of DE law?

Thank you for your time and attention,

The Clerk of the Court is directed to mail a duplicate copy of the complaint and summons, to be supplied by Mr. Fischer, to the two corporate officer defendants.

SO ORDERED.



Ona T. Wang
United States Magistrate Judge

3/27/2018